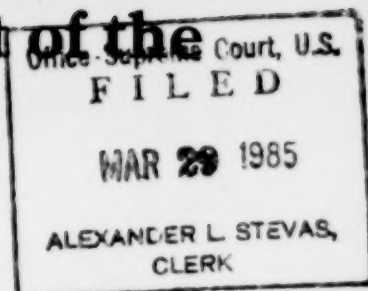


**In the Supreme Court of the
United States**
OCTOBER TERM, 1984



THE CITY OF RENTON, *et al.*,

Appellants,

v.

PLAYTIME THEATERS, INC., a Washington
corporation, *et al.*,

Appellees.

ON APPEAL FROM THE JUDGMENT OF THE
UNITED STATES COURT OF APPEAL FOR THE NINTH CIRCUIT

**BRIEF OF AMICI CURIAE
CITY OF WHITTIER, CALIFORNIA
AND OTHER JOINING CALIFORNIA CITIES
IN SUPPORT OF APPELLANTS' JURISDICTIONAL STATEMENT**

GEORGE AGNOST
City Attorney,
BURK E. DELVENTHAL
Deputy City Attorney,
City of San Francisco
LELAND C. DOLLEY
City Attorney, Cities of Alhambra,
El Segundo, and Lomita
RANDALL A. HAYS
City Attorney, City of Redding
COLIN LENNARD
City Attorney, Cities of
Camarillo and West Covina

K. DUANE LYDERS
City Attorney, City of Oxnard
SIDNEY MALECK
City Attorney, City of El Monte
FRANK R. MANZANO
City Attorney, City of Glendale
DONALD F. MCLEAN
City Attorney, City of Lemon Grove
GLORIA F. MCLEAN
City Attorney, City of Santee
GARY R. NETZER
Acting City Attorney,
CLAUDE HILKER
Chief Assistant City Attorney,
City of Los Angeles

CARL K. NEWTON
City Attorney, Cities of Downey
and Manhattan Beach
ROBERT K. PARKIN
City Attorney, City of Long Beach
CHARLES R. REVLETT
City Attorney, City of Oceanside
WILLIAM B. RUDELL
City Attorney, City of Burbank
PETER M. THORSON
City Attorney, City of Azusa
JOHN W. WITT
City Attorney, City of San Diego

BEST, BEST & KRIEGER
DALLAS HOLMES
City Attorney, Cities of
Corona and Redlands
4200 Orange Street
Riverside, California 92501

BURKE, WILLIAMS
& SORENSEN
J. ROBERT FLANDRICK*
City Attorney, Cities of Whittier,
Baldwin Park, and Bell
624 South Grand Avenue
11th Floor
Los Angeles, California 90017
Telephone: (213) 623-1900
Attorneys for Amici Curiae

RONALD M. STEIN
City Attorney, City of Lodi
221 West Pine Street
Lodi, California 95240

*Counsel of Record

2174

TABLE OF CONTENTS

	Page
Table of Authorities	ii
Statement Of The Case	1
Interest Of The Amici	2
Introduction And Summary Of Argument	5
Argument	
This Honorable Court Should Undertake To Review The Determination Of The Ninth Circuit In <i>Playtime Theaters, Inc. v. Renton</i> Because The Lower Federal Courts Have Effectively Emasculated This Courts' Decision In <i>Young v. American Mini Theatres</i>	6
Conclusion	10
Appendix A	A1

TABLE OF AUTHORITIES

Cases	Page
Alexander v. City of Minneapolis, 531 F.Supp. 1162 (D.Minn. 1982), <i>aff'd</i> , 698 F.2d 936 (8th Cir. 1983).....	7
Arnel Development Co. v. City of Costa Mesa, 28 Cal.3d 511, 620 P.2d 565, 169 Cal.Rptr. 904 (1980).....	3
Avalon Cinema Corp. v. Thompson, 667 F.2d 659 (8th Cir. 1981).....	6
Basiardanes v. City of Galveston, 682 F.2d 1203 (5th Cir. 1982).....	6
City of Whittier v. Walnut Properties, 149 Cal.App.3d 633, 197 Cal.Rptr. 127 (1983).....	2, 4, 7
County of Sacramento v. Superior Court, 137 Cal.App.3d 448, 187 Cal.Rptr. 154 (1982).....	2, 4, 7
Dowd Box Co. v. Courtney, 368 U.S. 502 (1962).....	8
E & B Enterprises v. City of University Park, 449 F.Supp. 695 (N.D.Tex. 1977).....	7
Ebel v. City of Corona, 698 F.2d 390 (9th Cir. 1983)	4, 6
Ebel v. City of Corona, Nos. 84-5688, 85-5785 (9th Cir. argument scheduled for Apr. 8, 1985)	2
Ebel v. City of Garden Grove, 120 Cal.App.3d 399, 176 Cal.Rptr. 312 (1982).....	7
Ensign Bickford Realty Corp. v. City Council, 68 Cal.App.3d 467, 137 Cal.Rptr. 304 (1977).....	3
Entertainment Concepts, Inc. v. Maciejawski, 631 F.2d 497 (1980), <i>cert. denied</i> , 450 U.S. 919 (1981).....	7
Fantasy Book Shop, Inc. v. City of Boston, 652 F.2d 1115 (1st Cir. 1981).....	6

Genusa v. City of Peoria, 619 F.2d 1203 (7th Cir. 1980)	6, 8
Hill v. City of Manhattan Beach, 6 Cal.3d 279, 491 P.2d 369, 98 Cal.Rptr. 785 (1971)	3
Keego Harbor v. City of Keego Harbor, 657 F.2d 94 (6th Cir. 1981).....	6
Kuznich v. County of Santa Clara, 689 F.2d 1345 (9th Cir. 1982).....	4, 6
Lydo Enterprises v. City of Las Vegas, 745 F.2d 1211 (9th Cir. 1984).....	4
Northend Cinema, Inc. v. City of Seattle, 90 Wash.2d 709, 585 P.2d 1153 (1978), <i>cert. denied</i> , 441 U.S. 946 (1979)	5
Playtime Theaters, Inc. v. The City of Renton, 748 F.2d 527 (9th Cir. 1984).....	2, 4, 6, 8, 9
Pringle v. The City of Covina, 115 Cal.App.3d 151, 171 Cal.Rptr. 251 (1982).....	7
Purple Onion, Inc. v. Jackson, 511 F.Supp. 1207 (N.D.Ga. 1981).....	7
Strand Properties Corp. v. Municipal Court, 148 Cal.App.3d 882, 200 Cal.Rptr. 47 (1983)	2, 4, 7, 8
Tovar v. Billmeyer, 721 F.2d 1260 (9th Cir. 1983), <i>cert. denied</i> , ___ U.S. ___, 105 S.Ct. 223, 83 L.Ed.2d 152 (1984).....	4
United States v. O'Brien, 391 U.S. 367 (1968)	7
Village of Belle Terre v. Boraas, 416 U.S. 1 (1974).....	3
Walnut Properties v. City Council of the City of Long Beach, 100 Cal.App.3d 1018, 161 Cal.Rptr. 411, <i>cert. denied</i> , 449 U.S. 836 (1980)	2, 4, 7
Walnut Properties, Inc. v. City of Whittier, Nos. 84-5755, 84-6087 (9th Cir. argued Feb. 8, 1985)	2, 4

Walnut Properties v. Long Beach, No. 81-942-TJH (C.D.Cal. 1981), <i>aff'd.</i> , No. 81-5732 (9th Cir. 1982).....	4
Warth v. Seldin, 422 U.S. 490 (1975)	3
Young v. American Mini Theatres, 427 U.S. 50 (1976)	2, 4, 5, 6, 8, 9, 10

Statutes and Rules

California Government Code	
§§65300-65403 (Deering 1985).....	4
§65850 (Deering 1985).....	3
§§65000-66403 (Deering 1985).....	3
Supreme Court Rule 36.4	2

No. 84-1360

In the Supreme Court of the United States

OCTOBER TERM, 1984

THE CITY OF RENTON, *et al.*,*Appellants,*

v.

PLAYTIME THEATERS, INC., a Washington
corporation, *et al.*,*Appellees.*

BRIEF OF AMICI CURIAE CITY OF WHITTIER, CALIFORNIA AND OTHER JOINING CALIFORNIA CITIES IN SUPPORT OF APPELLANTS' JURISDICTIONAL STATEMENT

STATEMENT OF THE CASE

Amici curiae the City of Whittier *et al.* adopt in full the Statement of the Case made by Appellants, the City of Renton, *et al.* (hereinafter "Renton").

INTEREST OF THE AMICI

*Amici curiae*¹ are all cities located in the State of California.² Many of the 409 cities in California have adopted and are enforcing zoning ordinances which regulate the location of "adult" businesses as expressly authorized by this Court in *Young v. American Mini Theatres*, 427 U.S. 50 (1976), (hereinafter "*Young*").³ Without action by this Court, the judgment of the Ninth Circuit Court of Appeal in *Playtime Theaters, Inc. v. The City of Renton*, 748 F.2d 527 (9th Cir. 1984) will become a binding precedent emasculating the zoning powers of these cities as described in *Young*, not only as to adult theatres, but to all adult business.⁴ *Amici* submit that the judgment of the Ninth Circuit should be reversed.

¹Appendix "A" hereto sets forth those California cities joining in this Brief.

²*Amici* are represented by their respective authorized law officers and as political subdivisions of the State of California are not required to obtain consent of all parties for the filing of this Brief. Sup.Ct.R. 36.4.

³See, e.g., *City of Whittier v. Walnut Properties*, 149 Cal.App.3d 633, 197 Cal.Rptr. 127 (1983); *Strand Properties Corp. v. Municipal Court*, 148 Cal.App.3d 882, 200 Cal.Rptr. 47 (1983); *County of Sacramento v. Superior Court*, 137 Cal.App.3d 448, 187 Cal.Rptr. 154 (1982); *Walnut Properties v. City Council of the City of Long Beach*, 100 Cal.App.3d 1018, 161 Cal.Rptr. 411 (1980). At least two *Amici*, the City of Whittier and City of Corona, are involved in cases similar to the instant matter which are pending on appeal in the Ninth Circuit Court of Appeal. Oral argument in *Walnut Properties, Inc. v. City of Whittier*, Nos. 84-5755 and 84-6087, took place on February 8, 1985; oral argument is scheduled in *Ebel v. City of Corona*, Nos. 84-5688 and 84-5785, for April 8, 1985.

⁴J. Robert Flandrick, counsel of record for *Amici*, is an officer of the City Attorneys' Division of the League of California Cities. As such, he has been advised that a number of cases which involve California cities presenting similar issues to those raised in this appeal are pending in State and Federal courts in California.

Regulation by zoning is a legitimate and vital power of municipalities in California. See, Cal. Gov't Code §§65000-66403 (Deering 1985); *Hill v. City of Manhattan Beach*, 6 Cal.3d 279, 285, 491 P.2d 369, 372-73, 98 Cal.Rptr. 785, 788-89 (1971).

As this Honorable Court has noted, the exercise of reserved police powers by a city,

"is not confined to elimination of filth, stench, and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people."

Village of Belle Terre v. Boraas, 416 U.S. 1, 9 (1974).

This Honorable Court has long recognized that the zoning power is essential to effective urban planning. Although the exercise of such power is subject to judicial review in a proper case, adoption of zoning regulations is a legislative function. Dissatisfied citizens have the availability of the normal democratic process to press their objections to such legislative acts. *Warth v. Seldin*, 422 U.S. 490, 508 n.18 (1975).

In California, zoning is statutorily defined as a legislative function. Cal. Gov't Code §65850 (Deering 1985); *Arnel Development Co. v. City of Costa Mesa*, 28 Cal.3d 511, 516-22, 620 P.2d 565, 568-71, 169 Cal.Rptr. 904, 907-10 (1980). As such, when enacting a zoning ordinance a legislative body is not required to make findings of fact as would be the case in a quasi-judicial activity. *Ensign Bickford Realty Corp. v. City Council*, 68 Cal.App.3d 467, 473, 137 Cal.Rptr. 304, 307 (1977).

Orderly planning is vital to California cities. Each such city is required by statute to prepare a complete

General Plan regulating future growth of the city. Cal. Gov't Code §§65300-65403 (Deering 1985). The *Renton* opinion and other Ninth Circuit decisions⁵ have frustrated this statutory planning process and have effectively thwarted orderly urban growth by eliminating the power of cities to impose reasonable zoning regulations on First Amendment activities.⁶

Like Renton, many of the *Amici* are smaller cities located in or adjacent to large metropolitan areas. As

⁵See, e.g., *Lydo Enterprises v. City of Las Vegas*, 745 F.2d 1211 (9th Cir. 1984); *Tovar v. Billmeyer*, 721 F.2d 1260 (9th Cir. 1983); *Ebel v. City of Corona*, 698 F.2d 390 (9th Cir. 1983); *Kuznich v. County of Santa Clara*, 689 F.2d 1345 (9th Cir. 1982). California courts, however, have upheld similar zoning ordinances regulating adult businesses. See, *City of Whittier v. Walnut Properties*, 149 Cal.App.3d 633, 197 Cal.Rptr. 127 (1983); *Strand Properties v. Municipal Court*, 148 Cal.App.3d 882, 200 Cal.Rptr. 47 (1983); *County of Sacramento v. Superior Court*, 137 Cal.App.3d 448, 187 Cal.Rptr. 154 (1982); *Walnut Properties v. City Council of the City of Long Beach*, 100 Cal.App.3d 1018, 161 Cal.Rptr. 411, cert. denied, 449 U.S. 836 (1980).

⁶While *Amici* assert that the disregard of lower Federal courts of this Court's decision in *Young* is the most important issue in this case, a subordinate issue is raised by the Ninth Circuit's refusal to abstain or stay proceedings in this case pending resolution of a pending state action concerning the constitutionality of Renton's ordinance. *Renton*, 748 F.2d at 532-33. Because there is concurrent jurisdiction in this area, Federal courts are often faced with this issue. In California, on many occasions Federal courts have declined to stay subsequently filed Federal cases to allow California courts to proceed to hear such matters. See, e.g., *Walnut Properties v. City of Whittier*, Nos. 84-5755 and 84-6087 (9th Cir. argued Feb. 8, 1985); *City of Whittier v. Walnut*, 149 Cal.App.3d 633, 197 Cal.Rptr. 127 (1983); *Walnut Properties v. City Council of the City of Long Beach*, 100 Cal.App.3d 1018, 161 Cal.Rptr. 411, cert. denied, 449 U.S. 836 (1980); *Walnut Properties v. Long Beach*, No. 81-942-TJH (C.D.Cal. 1981), *aff'd.*, No. 81-5732 (9th Cir. 1982). Guidance by this Court is appropriate and is required to avoid the waste of judicial time and the undermining of judicial integrity occasioned by such multiple lawsuits.

a result of the growth of the adult business industry, together with the adoption of zoning ordinances regulating adult businesses in larger cities, many adult businesses are relocating in these smaller adjacent cities. This has been the experience in Renton and of cities in California.

The City of Seattle, located adjacent to Renton, enacted zoning ordinances regulating adult theatres which were unanimously upheld by the Washington Supreme Court. *Northend Cinema, Inc. v. City of Seattle*, 90 Wash.2d 709, 585 P.2d 1153 (1978), cert. denied, 441 U.S. 945 (1979). It was after that Court's decision that Renton considered and enacted its ordinance regulating adult theatres in a manner similar to that adopted by Seattle.

Cities and towns across California (as represented by *Amici*) believe it necessary that this Court consider the appeal by Renton in order to reaffirm this Court's decision in *Young*, and to correct the trend in the Ninth Circuit and other Circuits to limit cities' zoning power to control adult businesses.

INTRODUCTION AND SUMMARY OF ARGUMENT

The Ninth Circuit Court of Appeal has held that Renton's adult business regulations violate the First Amendment because Renton failed to independently establish a substantial governmental interest in such regulation, and the passage of the ordinance effected an unlawful suppression of constitutionally protected speech.

This case is deserving of a full review of this Honorable Court because Renton should be permitted to rely upon the experience of other cities for the factual foundation

supporting its regulation of adult businesses. Use of a common pool of knowledge and experience is a customary and appropriate legislative practice for any city to engage in.

ARGUMENT

THIS HONORABLE COURT SHOULD UNDERTAKE TO REVIEW THE DETERMINATION OF THE NINTH CIRCUIT IN *PLAY-TIME THEATERS, INC. V. RENTON* BECAUSE THE LOWER FEDERAL COURTS HAVE EFFECTIVELY EMASCULATED THIS COURTS' DECISION IN *YOUNG V. AMERICAN MINI THEATRES*.

In *Young*, this Court upheld the City of Detroit's zoning ordinance which regulated the location of adult theatres within the City. Justice Stewart, writing in dissent, declared, "I can only interpret today's decision as an aberration." *Young*, 427 U.S. at 87 (Stewart, J., dissenting). Nine years later, this prediction approaches reality.

In the last nine years only one United States Court of Appeal decision has upheld an adult business zoning ordinance.⁷ In most of these Federal cases the ordinances in question were virtually identical to the ordinance upheld by this Court in *Young*. Courts in the First, Fifth, Sixth, Eighth and Ninth Circuits have systematically invalidated such zoning enactments,⁸ thus

⁷*Genusa v. City of Peoria*, 619 F.2d 1203 (7th Cir. 1980).

⁸*Ebel v. City of Corona*, 698 F.2d 390 (9th Cir. 1983); *Kuznich v. County of Santa Clara*, 689 F.2d 1345 (9th Cir. 1982); *Basiardanes v. City of Galveston*, 682 F.2d 1203 (5th Cir. 1982); *Avalon Cinema Corp. v. Thompson*, 667 F.2d 659 (8th Cir. 1981); *Keego Harbor v. City of Keego Harbor*, 657 F.2d 94 (6th Cir. 1981); *Fantasy Book Shop, Inc. v. City of Boston*, 652 F.2d 1115 (1st Cir. 1981);

thwarting the good-faith efforts by cities and towns to accommodate their zoning interest and the First Amendment rights at issue. This history demonstrates that this Court's decision in *Young* has been totally emasculated by lower Federal courts.

Where the "O'Brien" test⁹ is met, California State courts, on the other hand, have had little difficulty in upholding *Young* type ordinances enacted by California cities.¹⁰

In *County of Sacramento v. Superior Court*, 137 Cal.App.3d 448, 187 Cal.Rptr. 154 (1982), the California Court stated:

"[The plaintiff] Goldie asserts that the identical ordinance must be tested anew each time it is enacted by a different governmental entity by establishing the actual existence of locale conditions which would justify it. Goldie's thesis would deny to lawmakers in one locale the benefit of the wisdom and experience of lawmakers in another community, no matter

Entertainment Concepts, Inc. v. Maciejawski, 631 F.2d 497 (1980), cert. denied, 450 U.S. 919 (1981); *E&B Enterprises v. City of University Park*, 449 F.Supp. 695 (N.D. Tex. 1977); *Alexander v. City of Minneapolis*, 531 F.Supp. 1162 (D.Minn. 1982), aff'd., 698 F.2d 936 (8th Cir. 1983); *Purple Onion, Inc. v. Jackson*, 511 F.Supp. 1207 (N.D. Ga. 1981).

⁹*United States v. O'Brien*, 391 U.S. 367, 377 (1968).

¹⁰*City of Whittier v. Walnut Properties*, 149 Cal.App.3d 683 (1983) 197 Cal.Rptr. 127; *Strand Properties Corp. v. Municipal Court*, 148 Cal.App.3d 882, 200 Cal.Rptr. 47 (1983); *County of Sacramento v. Superior Court*, 137 Cal.App.3d 448 (1982), 187 Cal.Rptr. 154; *Pringle v. The City of Covina*, 115 Cal.App.3d 151, 171 Cal.Rptr. 251 (1982); *Ebel v. City of Garden Grove*, 120 Cal.App.3d 399, 176 Cal.Rptr. 312 (1982); *Walnut Properties, Inc. v. City Council of the City of Long Beach*, 100 Cal.App.3d 1018, 161 Cal.Rptr. 411, cert. denied, 449 U.S. 836 (1980).

how similar the circumstances; it would, as it were, require the reinvention of the wheel countless times over when mere access to common knowledge would render the considerable effort involved unnecessary. In dealing with closed booths in picture arcades, lawmakers need not blink the obvious [sic]. It cannot seriously be maintained that patrons of Sacramento County adult picture arcades do not to some degree sufficient to justify governmental concern share the proclivities of their counterparts in Los Angeles and Phoenix. Reasonable anticipation of such problems is itself sufficient to justify the official reaction embodied in chapter 9.87 of the Sacramento County Code." *Id.* at 455, 187 Cal.Rptr. at 158-59 (citation and footnote omitted).¹¹

One major error which has often occurred in Federal court opinions purporting to follow the *Young* decision was made by the Court of Appeal in the instant case. Unlike the California and Seventh Circuit cases discussed above, the Court of Appeal held that Renton could *not* rely on the experience of other towns and cities to justify its zoning regulation.¹² The panel in *Renton* analyzed the *Young* opinion as follows:

¹¹*Accord, Strand Properties Corp. v. Municipal Court*, 148 Cal.App.3d 880, 887, 200 Cal.Rptr. 47, 49 (1984); *Genusa v. City of Peoria*, 619 F.2d 1203, 1211 (7th Cir. 1980).

¹²It is respectfully submitted that this Honorable Court should note probable jurisdiction in this case to resolve the conflict between the Ninth Circuit's decision in *Renton* and the cases cited in footnote 11, *supra*, and the text accompanying said footnote. As the Court stated in *Dowd Box Co. v. Courtney*, 368 U.S. 502, 513 (1962), "To resolve and accommodate such diversities and conflicts is one of the traditional functions of this Court."

"The plurality in *Young* found that the record disclosed a factual basis for the council's determinations, 427 U.S. at 71, and Justice Powell cited 'reports and affidavits from sociologists and urban planning experts, as well as some layman.' *Id.* at 81 n.4 (Powell, J., concurring)." *Renton*, 748 F.2d at 536.

The quoted language is incomplete; when read in full it is clear that the record in *Young* disclosed that witnesses testified concerning the problems of *other* cities, which problems could be expected to occur in Detroit absent regulation of adult business.¹³

The Ninth Circuit's requirement that each city must make a full independent and repetitive investigation denies to these cities the benefit of the experience of others while imposing a wasteful expenditure of public funds. Smaller towns and communities should not be required to spend the enormous amount of time and funds necessary to merely duplicate the research and testimony of experts obtained in larger cities. Justice Powell's concurring opinion in *Young* expressly recognized that the law does not require a city to wait until its citizens suffer their own personal disaster before adopting legislation to attempt to avert such disasters. Moreover, so long as there is no substantial adverse impact on the dissemination of adult film fare, cities and towns must have leeway to fashion innovative solutions to the problems that inevitably accompany the

¹³The complete sentence is: "That evidence consisted of reports and affidavits from sociologists and urban planning experts, as well as some laymen, on the cycle of decay that *had been started in areas of other cities*, and that could be expected in Detroit, from the influx and concentration of such establishments." *Young*, 427 U.S. at 81 n.4 (Powell, J., concurring) (emphasis added).

opening of adult theaters. This Court should therefore accept jurisdiction in this matter to clarify this misapplication of its decision in *Young* and to restate the doctrine of judicial deference to legislative acts.

CONCLUSION

Based upon the foregoing, this Honorable Court should undertake a full review of all the facts and issues involved in the matter of the validity of Renton's adult business zoning regulations, not only for the purpose of adjudicating the rights of the parties in that litigation, but to restate the posture of zoning authorities, in general, throughout the United States when confronted with issues relating to First Amendment activities.

DATED: March 27, 1985

Respectfully submitted,

J. ROBERT FLANDRICK

City Attorney

Cities of Whittier, Baldwin Park, Bell; and
Burke, Williams & Sorensen

Attorneys for Amici Curiae

APPENDIX

APPENDIX "A"

All California Cities Joining in This Brief

Alhambra

Leland C. Dolley
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

Azusa

Peter M. Thorson
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

Baldwin Park

J. Robert Flandrick
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

Bell

J. Robert Flandrick
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

Burbank

William B. Rudell
275 East Olive Avenue
Burbank, California 91502

Camarillo

Colin Lennard
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

Corona

Dallas Holmes
Best, Best & Krieger
4200 Orange Street
Riverside, California 92501

Downey

Carl K. Newton
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

El Monte

Sidney Maleck
11333 Valley Boulevard
El Monte, California 91734

El Segundo

Leland C. Dolley
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

Glendale

Frank R. Manzano
613 East Broadway
Glendale, California 91206

Lemon Grove

Donald F. McLean
3232 Main Street
Lemon Grove, California 92045

Lodi

Ronald M. Stein
221 West Pine Street
Lodi, California 95240

Lomita

Leland C. Dolley
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

Long Beach

Robert W. Parkin
333 Ocean Boulevard, 11th Floor
Long Beach, California 90802

Los Angeles

Gary R. Netzer, Acting City Attorney
Claude Hilker, Chief Assistant City Attorney
200 North Main Street, Room 1700
Los Angeles, California 90012

Manhattan Beach

Carl K. Newton
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

Oceanside

Charles R. Revlett
321 North Nevada
Oceanside, California 92054

Oxnard

K. Duane Lyders
300 West Third Street
Oxnard, California 93030

Redding

Randall A. Hays
760 Parkview Avenue
Redding, California 96001

Redlands

Dallas Holmes
Best, Best & Krieger
4200 Orange Street
Riverside, California 92501

San Diego

John W. Witt
202 C Street, 3rd Floor
San Diego, California 92101

San Francisco

George Agnost, City Attorney
Burk E. Delventhal, Deputy City Attorney
City Hall, Room 206
San Francisco, California 94102

Santee

Gloria F. McLean
10765 Woodside Avenue
Santee, California 92071

West Covina

Colin Lennard
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

Whittier

J. Robert Flandrick
Burke, Williams & Sorensen
624 South Grand Avenue, 11th Floor
Los Angeles, California 90017

PROOF OF SERVICE BY MAIL*State of California*

ss.

County of Los Angeles

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen (18) years and not a party to the within action or proceeding; that my business address is 11333 Iowa Avenue, Los Angeles, California 90025; that on March 27, 1985 I served the within *Brief of Amici Curiae* in said action or proceeding by depositing true copies thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as follows:

Clerk, United States Supreme Court
One First Street, N.W.
Washington, D.C. 20543
(Original and 40 copies)

Jack R. Burns, Esq.
10940 N.E. 33rd Place
Suite 107
Bellevue, Washington 98004

Hon. Kenneth O. Eikenberry
Attorney General
Temple of Justice
Olympia, Washington 98504

E. Barrett Prettyman, Jr., Esq.
Hogan & Hartson
815 Connecticut Avenue, N.W.
Washington, D.C. 20006

Robert Eugene Smith, Esq.
16133 Ventura Boulevard
Penthouse, Suite F
Encino, California 91436

Joyce Benjamin, Esq.
Academy for State & Local
Government
444 N. Capitol Street, N.W.
Suite 349
Washington, D.C. 20001

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 27, 1985, at Los Angeles, California.

Joy Rivelli Miller
(Original signed)